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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
WANG, JIN CHENG	
ART UNIT	**PAPER NUMBER**
2672	

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/631,413	BERTHAUD, CHRISTOPHE	
	Examiner	Art Unit	
	Jin-Cheng Wang	2672	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-5,7,8 and 10-18*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because:
The newly amended claim 1 and similar claims (after Final Rejection dated on 4/17/2004) are rejected under 35 U.S.C. 103(a) as being unpatentable over Teres et al U.S. Patent No. 6,184,871 in view of Olsen et al. U.S. Patent No. 6,137,479, and further in view of Ferrari et al U.S. Patent No. 6,392,636 for the reasons set forth below.

(1) Teres teaches a watch including display means for at least one item of time related data and having an at least partially transparent outer element covering said display means or forming an outer portion of the display means, said watch
including first control means being formed of a plurality of touch sensitive sensors with each touch sensitive sensor having a touch sensitive pad being at least partially transparent and the touch sensitive pads are supported at least partially by said outer element such that the display means are at least partially visible through the touch sensitive pads and the outer element, wherein the touch sensitive sensors are of the capacitive type and sensitive pads are formed by electrodes deposited underneath the outer element (See Teres figures 1-5; column 2-5).
(2) Teres is silent to the movement of cursor on a computer screen.
(3) The Olsen reference has taught a mouse watch 54 including display means for at least one item of time related data and having an at least partially transparent outer element covering the display means (figures 4-7, column 5, lines 65-67, column 6, lines 1-67, and column 7, lines 1-25). Olsen further teaches a mouse watch including control means for controlling the movement of cursor on a computer screen and touch sensitive sensors are built into the mouse watch to provide the computer mouse functions, i.e., the mouse watch can be used to detect the cursor movement on the display screen 26 (see for example, column 5, lines 42-67, and column 6, lines 1-67, column 7, lines 1-25).
(4) It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated the interface feature of Olsen into Teres's watch device for the control of a cursor on a display screen in accordance to the fingertip's movement because Teres suggests providing a watch device formed by a matrix of photoelectrical sensors arranged on the bottom surface of the glass for identifying a manual action by a finger on the surface of the watch device to create a variation of an electrical quantity (e.g., Teres the Abstract) and data output ports such as the write recognition device (Teres figure 4 and column 4) for collecting the output signal as a result of finger motion on the watch device of Teres and Olsen teaches data ports (Olsen figure 1) for collecting the output signal from the microprocessor as a result of finger motion on the watch device of Olsen. Olsen further discloses a computer interface so that the output signal of Teres can be carried over to the computer for the control of a cursor in a display device. Therefore, Teres's watch device may have incorporated the computer interface 38 of Olsen (Olsen figure 1 and Teres figure 4) to control a cursor of the display screen.
(5) One having the ordinary skill in the art would have been motivated to do this to control a cursor by a manual action on a surface formed by a finger.
(6) The newly amended claim 1 adds the limitation of "wherein it further includes means for detecting the speed of a user's finger over said outer element or the actuation frequency of successive sensors."
(7) The Olsen reference teaches in figures 4-5 a watch 54 as a pointing device having a display and controls like a conventional watch and a person wears it like a conventional watch. Sensors are built into the watch to provide the computer mouse functions. The Teres reference teaches a watch with means for detecting the activated sensor representing the greatest variation of electrical quantity comprising conversion means of the total capacity of the set of the fixed capacitor and the parasite capacitor of each capacitive sensor A to S into an output signal having a frequency proportional to this total capacity (column 3, lines 24-37).
(8) Although, Teres and Olsen is silent to detecting the speed of a user's finger over the outer element, Ferrari teaches a portable device having a display screen by providing an electrical output signal for selectively controlling movement of a cursor across the display screen. Ferrari further teaches capacitive sensing cells arranged in a row/column array top to produce output signals for control of cursor movement in both a row direction and an orthogonal column direction. Ferrari also teaches the horizontal and vertical direction such as the two X and Y array outputs being proportional to the zero and first moment of the 2-D pattern (column 11, lines 32-41 of the Ferrari reference). Therefore, Ferrari has taught that ratio between the movement of cursor and the path taken by a user's finger across an outer element is less at low speed or actuation frequency than at relatively high speed or actuation frequency.
(9) It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated the additional means of cursor movement of Ferrari in the watch device of Teres and Olsen to control a cursor on a display screen in accordance to the fingertip's movement speed.
(10) One having the ordinary skill in the art would have been motivated to do this to provide a more sensitive or high precision control to the cursor movement across a display screen.

With regards to the applicant's argument, the Examiner disagrees with Applicant's assertion that the rejection lacks proper motivation for combining the references. The Examiner asserts that both the suggestion and the motivation can be found in the prior art of record. For example, both Teres and Ferarri are related to touch sensitive sensors wherein Ferrari teaches the two X and Y array outputs being proportional to the zero and first moment of the 2-D pattern (column 11, lines 32-41 of the Ferrari reference) whileTeres suggests providing a watch device formed by a matrix of photoelectrical sensors arranged on the bottom surface of the glass for identifying a manual action by a finger on the surface of the watch device to create a variation of an electrical quantity (e.g., Teres the Abstract) and data output ports such as the write recognition device (Teres figure 4 and column 4) for collecting the output signal as a result of finger motion on the watch device. Therefore, photoelectrical sensors of Teres can be arranged in accordance to Ferarri's horizontal and vertical array of sensors with outputs being proportional to the zero and first moment of the 2-D pattern. As a result, the desired portable device having a display screen is formed by providing an electrical output signal for selectively controlling movement of a cursor across the display screen with the capacitive sensing cells arranged in a row/column array top to produce output signals for control of cursor

movement in both a row direction and an orthogonal column direction (See Ferarri column 11, lines 32-41).

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